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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,697	07/17/2003	Kunihiko Hayashi	67471-020	9304
<div>7590 08/08/2007 MCDERMOTT, WILL &amp; EMERY 600 13th Street, N.W. Washington, DC 20005-3096</div>			<div>EXAMINER TANG, KENNETH</div>	
			<div>ART UNIT 2195</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 08/08/2007</div>	<div>DELIVERY MODE PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

mn

**Office Action Summary**

Application No.

10/620,697

Applicant(s)

HAYASHI, KUNIIHIKO

Examiner

Kenneth Tang

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 2-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/13/04, 4/27/07</u> | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-11 are presented for examination.

#### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. In claims 9-10, the claimed invention is directed to non-statutory subject matter. Claims 9-10 are directed to a task management program. This task management program is a software program that is neither a process, machine, manufacture or composition of matter. Since the claimed invention does not fall within at least one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101, claims 9-10 are rejected.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hooman et al. (hereinafter Hooman) (US 7,155,716 B2) in view of Chauvel et al. (hereinafter Chauvel) (US 2002/0065867 A1).**

4. As to claim 1, Hooman teaches a program execution apparatus that determines an execution sequence of tasks and executes the tasks according to the execution sequence, each task being given a target completion time before which execution of the task is to be completed, the program execution apparatus comprising:

at least one identifier of at least one task (task identifier) and a plurality of types of priorities set for the task, wherein the plurality of types of priorities (first priority type, second priority type, etc., col. 6, lines 54-59) having a hierarchical relationship (high, medium and low, Fig. 9, 902, 904, 906);

a receiving unit operable to receive an identifier of a new task and a plurality of types of priorities set for the new task (col. 15, lines 39-42 through col. 16, lines 1-3);

a determining unit operable to determine an execution sequence of the tasks according to an arrangement sequence of the identifiers (col. 15, lines 39-42 through col. 16, lines 1-3, col. 3, lines 4-6, etc.).

5. Hooman is silent in teaching a storing unit to store the task ID and a writing unit operable to write the identifier received by the receiving unit, at a memory position in the storing unit determined based upon priority received by the receiving unit.

6. However, Chauvel teaches processing tasks, wherein a task ID is read/stored ([0043]) and that task information is assigned to/accessed from address space regions (memory positions) based upon priority ([0014]-[0015]).

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7. Hooman and Chauvel are analogous art because they are in the same field of endeavor of priority task scheduling.

8. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Hooman's priority task management system to include Chauvel's address space priority arbitration of a task management system.

9. The suggestion/motivation for doing so would have been to receive the benefits and predicted results of having task management that takes into account task processing times, resource capabilities and capacity, and other task processing needs (Chauvel, [0011]). Therefore, it would have been obvious to combine Hooman with Chauvel to obtain the invention as specified in claim 1.

10. As to claim 8, it is rejected for the same reasons as stated in the rejection of claim 1.

11. As to claim 9, it is rejected for the same reasons as stated in the rejection of claim 1.

12. As to claim 10, it is rejected for the same reasons as stated in the rejection of claim 1.

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13. As to claim 11, it is rejected for the same reasons as stated in the rejection of claim 1. In addition, Chauvel teaches using the claimed invention in a mobile telecommunications device ([0097]).

***Allowable Subject Matter***

14. Claims 2-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

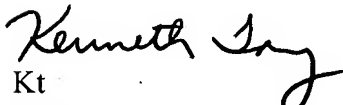
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Kt  
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